| 1<br>2<br>3<br>4<br>5<br>6<br>7 | LINDA A. RYAN, ESQ. SBN 185356 LAW OFFICES OF LINDA A. RYAN 182 Farmers Ln, Ste. 101 Santa Rosa, CA 95405 Telephone: (707) 568-7700 Facsimile: (707) 285-2697 E-mail: ryanlawoffices@comcast.net SPECIAL APPEARANCE  GARY HOENIG, SBN 194384 LAW OFFICES OF GARY HOENIG 182 Farmers Ln, Ste. 101 Santa Rosa, CA 95405 |   |
|---------------------------------|---|---|
| 8<br>9                          | Telephone: (707) 542-4622<br>Facsimile: (707) 542-3810<br>E-mail: ghoenig@sonic.net   |   |
| 10                              | SPECIAL APPEARANCE  |   |
| 11                              |   |   |
| 12                              | IN THE UNITED STATES DISTRICT COURT   |   |
| 13                              | FOR THE NORTHERN DISTRICT OF CALIFORNIA   |   |
| 14                              | SAN JOSE DIVISION   |   |
| 15                              |   |   |
| 16                              | HARD DRIVE PRODUCTIONS, INC.,   | No. C11-03682 LHK (HRL)                                 |
| 17                              | Plaintiff,  | Special Appearance by Jane Doe (Sued                    |
| 18                              | v.  | herein as Doe 1)  |
| 19                              | DOES 1 - 66,  | DECLARATION OF GARY HOENIG IN SUPPORT OF DEFENDANT JANE |
| 20                              | Defendants.   | DOE'S MOTION TO QUASH SUBPOENA<br>TO COMCAST            |
| 21                              |   | Date:   |
| 22                              |   | Time:<br>Dept:  |
| 23                              |   | Trial Date: None  |
| 24                              | I, GARY HOENIG, declare as follows:   |   |
| 25                              | 1. I am an attorney licensed to practice law before all of the courts of the State of   |   |
| 26                              | California and am specially appearing as attorney of record for defendant JANE DOE in the   |   |
| 27                              | above-entitled action. I hold the engineering degrees of BChE, MSc, and PhD; and am familiar  |   |
| 28                              | with computer networking systems.   |   |
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| 2. A Media Access Control address (MAC address) is a unique identifier assigned to                |  |  |
|---|--|--|
| network interfaces of personal computers for network communications including internet            |  |  |
| communications. The MAC address information is used, in part, to uniquely identify a specific     |  |  |
| computer engaged in network communication for data routing purposes. MAC address                  |  |  |
| information is contained within the data packets of network communications from the specific      |  |  |
| computer; hence, network and internet communications with the specific computer contain the       |  |  |
| MAC address identifier. Knowledge of the MAC address, in conjunction with the associated          |  |  |
| Internet Protocol address, allows a party to monitor internet communications and to track interne |  |  |
| activity from the specific computer. Knowledge of the MAC address also facilitates a party to     |  |  |
| identify and to probe the specific computer from the internet.                                    |  |  |

3. I have personal knowledge of the foregoing and, if called upon to testify in this action, could testify to the above from my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Santa Rosa, California, on October 3, 2011.

/S/ GARY HOENIG

## PROOF OF SERVICE 1 2 I, Tiffany Avila, declare: 3 I am a citizen of the United States and a resident of the County of Sonoma, State of California. I am over the age of eighteen years and not a party to the within above-entitled action; my business address is 182 Farmers Lanes St. 101, Santa Rosa, CA 95405. On the date 4 given I served the following: 5 1. Notice of Motion and Motion to Quash Subpoena to Comcast 6 2. Memorandum of Points and Authorites in Support of Defendant Jane Doe's Motion to Quash Subpoena to Comcast 7 3. Jane Doe's Declaration in Support of Defendant Jane Doe's Motion to Quash Subpoena to Comcast 4. Declaration of Gary Hoenig in Support of Defendant Jane Doe's Motion to Ouash 8 Subpoena to Comcast 9 on all the interested parties in said action as follows: 10 Brett L. Gibbs, Esq. John Steele, Esq. STEELE HANSMEIER PLLC STEELE HANSMEIER PLLC 11 38 Miller Avenue, #263 161 N Clark St., Ste. 3200 12 Mill Valley, CA 94941 Chicago, IL 60601 Telephone: (415) 325-5900 Telephone: (312) 880-9160 13 || blgibbs@wefightpiracy.com ilsteele@wefightpiracy.com 14 15 X BY FIRST CLASS MAIL (C.C.P. §§1005;1013a, et seq.): I caused a true copy of said document(s) to be deposited in a U.S. mail box in a sealed envelope with postage thereon fully prepaid in the City of Santa Rosa, State of California, after the close of the day's business. 17 BY FACSIMILE (C.C.P. §§1005(b);1012.5 et seq.): I caused said document(s) to be telecopied to each addressee's facsimile number. 18 19 BY FEDERAL EXPRESS NEXT DAY DELIVERY (C.C.P. §§1005(b),1013 (c)(d), et seq.) I caused said document(s) to be deposited with an express service carrier in a sealed envelope designated by the carrier as an express mail envelope, with fees and postage pre-paid and reasonably calculated to ensure delivery to the addressee not later than the close of the next 21 business day. 22 BY HAND DELIVERY/PERSONAL SERVICE (C.C.P. §§1005;1011, et seq.): I caused said document(s) to be personally delivered to each addressee. 23 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. 25 Dated: October 3, 2011 26 27

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